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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,575	04/15/2004	Tomi Heinonen	037145-1501(NC 44052)	8670

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EXAMINER	
KOWALEWSKI, FILIP A	

ART UNIT	PAPER NUMBER
3736	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,575	HEINONEN ET AL.	
	Examiner	Art Unit	
	Filip A. Kowalewski	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/16/05 & 9/26/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 23, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "target" in lines 5, 4, and 5 of claims 11, 23, and 38, respectively, is not defined explicitly in the specification or implicitly through its usage. Thus, the term renders the claim indefinite since one of ordinary skill in the art would not be able to ascertain the scope of the claim. Furthermore, the Examiner has interpreted the claim in a manner that would render the prior art applicable. *Ex parte Ionescu*, 222 USPQ 537 (Bd. App. 1984).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,009,511 to Mazar et al. (hereinafter Mazar).

Mazar discloses the following claim limitations:

1. A method of handling an event, comprising:

receiving a first signal from a monitor adapted to convey information relating to physiological parameters (Col. 4 – Ln. 22-32), the first signal including information corresponding to the physiological parameters (Col. 3 – Ln. 55-58) and an identification of the monitor (Col. 10 – Ln. 6-10); and

transmitting a second signal to a network (Col. 6 – Ln. 30-35), the second signal including at least information corresponding to the identification of the monitor (Col. 10 – Ln. 6-10).

2. The method of claim 1, wherein the monitor is an implant (Col. 3 – Ln. 55).

3. The method of claim 1, wherein the monitor is adapted to detect, sense, or measure the physiological parameters (Col. 3 – Ln. 55-58).

4. The method of claim 1, wherein the monitor is adapted to stimulate (Col. 4 – Ln. 53), intervent, or control physiological functions affecting the physiological parameters .

5. The method of claim 1, wherein the physiological parameters relate to heart function (Col. 4 – Ln. 25-32).

6. The method of claim 1, wherein the physiological parameters relate to brain function (Col. 4 – Ln. 50-54).

7. The method of claim 1, wherein the first signal and the second signal are wireless signals (Col. 9 – Ln. 3-13).

8. The method of claim 7, wherein the network is a wireless communication network (Col. 9 – Ln. 3-13).

9. The method of claim 8, wherein the network is a cellular network (Col. 9 – Ln. 3-13).

10. The method of claim 1, further comprising: processing the first signal prior to transmitting the second signal (Col. 16 – Ln. 35-48).

11. The method of claim 10, wherein processing further comprises:

verifying a source of the first signal (Col. 9 – Ln. 23-40);

identifying an event associated with the first signal and related to the physiological parameters (Col. 4 – Ln. 7-9); and

determining a target for the second signal (Col. 6 – Ln. 28-33).

12. A system for handling an event, comprising:

a monitoring device (Fig. 1 – 102, 104, and 106 Devices) adapted to convey information relating to one or more physiological parameters, the monitoring device being further adapted to transmit a signal, the signal including information corresponding at least to an identification of the monitoring device; and

an event handling device (Fig. 1 – 108 Interrogator/Transmitter Unit (ITU)) adapted to receive signals from the monitoring device including information corresponding to the identification of the monitoring device, the event handling device being further adapted to transmit a signal including information corresponding to the identification of the monitoring device.

13. The system of claim 12, wherein the monitoring device is implanted in a human body (Col. 3 – Ln. 55).

14. The system of claim 12, wherein the monitoring device is adapted to detect, sense, or measure the physiological parameters (Col. 3 – Ln. 55-58).

15. The system of claim 12, wherein the monitoring device is adapted to stimulate (Col. 4 – Ln. 53), intervent, or control physiological functions affecting the physiological parameters.

16. The system of claim 12, wherein the physiological parameters relate to heart function (Col. 4 – Ln. 25-32).

17. The system of claim 12, wherein the physiological parameters relate to brain function (Col. 4 – Ln. 50-54).

18. The system of claim 12, wherein the physiological monitoring device is adapted to transmit wireless signals (Col. 7 – Ln. 4-7).

19. The system of claim 12, wherein the monitoring device is adapted to transmit a signal when one or more physiological parameters satisfies a predetermined criteria (Col. 8 – Ln. 7-10 & Col. 4 – Ln. 7-9).

20. The system of claim 12, wherein the monitoring device is adapted to transmit signals on a substantially continuous basis (Col. 6 – Ln. 33-38).

21. The system of claim 12, wherein the event handling device is adapted to transmit signals when one or more physiological parameters satisfies a predetermined criteria (Col. 8 – Ln. 7-10 & Col. 4 – Ln. 7-9).

22. The system of claim 12, wherein the event handling device is adapted to transmit wireless signals to a network (Col. 7 – Ln. 15-20).

23. The system of claim 12, wherein the event handling device comprises:

a data processing module (Col. 7 – Ln. 23-24) adapted to verify a source of signals received, the data processing module being further adapted to identify an event associated with received signals and to determine a target for transmitted signals.

24. A physiological monitoring device, comprising:

a monitoring module (Fig. 1 – 102, 104, and 106 Devices) for conveying information relating to physiological parameters; and

a transmitter (Col. 7 – Ln. 49-57) adapted to transmit a signal, the signal including information corresponding at least to an identification of said monitoring module.

25. The device of claim 24, wherein the monitoring module is implanted in a human body (Col. 3 – Ln. 55).

26. The device of claim 24, wherein the monitoring module is adapted to detect, sense, or measure the physiological parameters (Col. 3 – Ln. 55-58).

27. The device of claim 24, wherein the monitoring module is adapted to stimulate (Col. 4 – Ln. 53), intervent, or control physiological functions affecting the physiological parameters.

28. The device of claim 24, wherein the physiological parameters relate to heart function

(Col. 4 – Ln. 25-32).

29. The device of claim 24, wherein the physiological parameters relate to brain function (Col. 4 – Ln. 50-54).

30. The device of claim 24, wherein the transmitter is adapted to transmit wireless signals (Col. 7 – Ln. 49-57).

31. The device of claim 24, wherein the transmitter is adapted to transmit the signal when one or more physiological parameters satisfies a predetermined criteria (Col. 4 – Ln. 7-9).

32. The device of claim 24, wherein the transmitter is adapted to transmit the signal on a substantially continuous basis (Col. 11 – Ln. 28-31).

33. An event handling device, comprising:

a receiving module (Fig. 3 – 152 Interrogator) adapted to receive signals from a monitor adapted to convey information relating to physiological parameters, the signals including information corresponding to the physiological parameters and an identification of the monitor; and

a transmitting module (Fig. 3 – 156 Transciever) adapted to transmit signals including at least information corresponding to the identification of the monitor.

34. The device of claim 33, wherein the monitor is adapted to detect, sense, or measure the physiological parameters (Col. 3 – Ln. 55-58).

35. The device of claim 33, wherein the monitor is adapted to stimulate (Col. 4 – Ln. 53), intervent, or control physiological functions affecting the physiological parameters.

36. The device of claim 33, wherein the transmitting module is adapted to transmit signals when one or more physiological parameters satisfies a predetermined criteria (Col. 4 – Ln. 7-9).

37. The device of claim 33, wherein the transmitting module is adapted to transmit wireless signals to a network (Col. 9 – Ln. 3-13).

38. The device of claim 33, further comprising:

a data processing module (Col. 7 – Ln. 23-24) adapted to verify a source of signals received by the receiving module, the data processing module being further adapted to identify an event associated with the signals received by the receiving module and to determine a target for signals transmitted by the transmitting module.

39. A program product, comprising machine readable program code for causing a machine to perform the following steps:

receiving a first signal from a monitor adapted to convey information related to physiological parameters (Col. 4 – Ln. 22-32), the first signal including information corresponding to the physiological parameters and an identification of the monitor (Col. 10 – Ln. 6-10); and

transmitting a second signal to a network (Col. 6 – Ln. 30-35), the second signal including at least information corresponding to the identification of the monitor (Col. 10 – Ln. 6-10).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Filip A. Kowalewski whose telephone number is 571-272-5668. The examiner can normally be reached on Monday - Friday: 8am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FAK
August 16, 2006

Michael Astorino